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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

2009 MAY - 1 AM 9:15

**UNITED STATES OF AMERICA**  
**vs.**  
**Eric Miguel GALLEGOS**

) Magistrate's Case No.

'08 MJ 1361

## **COMPLAINT FOR VIOLATION OF**

21 U.S.C. 952 and 960

## **Unlawful Importation of a Controlled Substance**

The undersigned complainant being duly sworn states:

## COUNT ONE

That on or about April 30, 2008, within the Southern District of California, defendant Eric Miguel GALLEGOS did knowingly and intentionally import approximately 50.3 kilograms (110.66 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
Signature of Complainant  
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 15 day of July, 2008.

## United States Magistrate Judge

1 United States of America  
2 VS.  
3 Eric Miguel GALLEGOS

4 PROBABLE CAUSE STATEMENT

5 On April 30, 2008 at approximately 1950 hours, Eric Miguel GALLEGOS entered the  
6 United States from Mexico at the San Ysidro Port of Entry (SYSPOE), San Diego, California as  
7 the driver and sole occupant of a 1993 Nissan Maxima bearing California license plate 3EBS747.  
8 During primary inspections, a Customs and Border Protection Officer (CBPO) came in contact  
9 with GALLEGOS. GALLEGOS presented a valid California Driver's License and declared  
10 United States citizenship by naturalization. GALLEGOS stated he was going to go back home to  
11 Moreno Valley, CA., and that he had been in Tijuana, MX visiting his son in the hospital. The  
12 CBPO received two negative customs declarations from GALLEGOS. Upon a cursory  
13 inspection of the inside of the trunk, the CBPO noticed a space discrepancy between the back  
14 seat and the trunk area. GALLEGOS stated that the vehicle was his and he had had it for two  
15 weeks. GALLEGOS was then referred into vehicle secondary for further inspection.

16 While in vehicle secondary, a Narcotics Detector Dog (NDD) alerted to a narcotic odor  
17 emitting from trunk and back seat of the vehicle. A CBPO conducted an intensive inspection on  
18 the Nissan Maxima. A total of 27 packages containing approximately 50.3 kilograms of  
19 marijuana were found concealed within the vehicle. A presumptive test of one of the packages  
20 revealed a positive reaction to the presence of marijuana.

21 GALLEGOS was advised of his Miranda rights and voluntarily waived those rights, as  
22 witnessed by Special Agents Cara Chace and Christian Alva. GALLEGOS stated that he knew  
23 there was marijuana in the vehicle, that he was to be paid \$700.00 to cross the vehicle into the  
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1 United States, and that he was supposed to take the vehicle to the Denny's parking lot on  
2 Coronado Avenue off the I-5 freeway.

3 GALLEGOS was arrested and charged with violation of Title 21 USC 952, 960,  
4 Unlawful Importation of a Controlled Substance, and was booked into the Metropolitan  
5 Correction Center, San Diego, CA.  
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